

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.365 of 2017

1. Sunita Ghritlahare D/o Homan Ghritlahare, Aged About 30 Years
R/o Village Chargawa, Post Pratappur, Tahsil And District
Bemetara (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School Education
Department, Mantralaya, Mahanadi Bhawan, P.S. Rakhi, Tahsil
Aarang, Naya Raipur, District Raipur (Chhattisgarh)
2. Secretary, Department Of Panchayat And Rural Development,
Mantralaya, P.S. Rakhi, Tahsil Aarang, Naya Raipur, District
Raipur, (Chhattisgarh)
3. Director, Public Instructions, Raipur, Indrawati Bhawan, Naya
Raipur, (Chhattisgarh)
4. Chief Executive Officer, Zila Panchayat, Baloda Bazar, District
Baloda Bazar Bhatapara, (Chhattisgarh)

---- Respondents

For Petitioner: Mr. K.P. Sahu, Advocate.

For State/Respondents: Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K.Agrawal

Order On Board

23/01/2017

1. Heard.
2. Issue notice.
3. Mr. Mukhopadhyay, Dy.G.A. accepts notice on behalf of the
State/respondents. Hence the petitioner is not required to pay
separate PF for the State/respondents.
4. At the outset, learned counsel for the petitioner submits that the
instant writ petition may be disposed of in the light of the order

dated 25-10-2016 passed in W.P.No.7624/2006.

5. In W.P.No.7624/2006 vide order dated 25-10-2016, this Court held as follows: -

"4. It is well settled law that absorption of a person not appointed in accordance with the rules would result in denial of equal opportunity in the matter of employment to other eligible candidates for public office (see Union of India and others v. Kishan Gopal Vyas¹).

5. However, if the advertisement is issued for recruitment for the post of Teacher, the petitioners are at liberty to apply for the said post and to appear in accordance with law."

6. In view of the above, the petition is disposed of on similar terms as observed herein-above. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge

1 (1996) 7 SCC 134